



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 645

Hearing Date: February 8, 2005

Committee On: Transportation and Telecommunications

Introducer(s): (Brashear)

Title: Prohibit an agency or political subdivision of the state from providing certain telecommunications services

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

5	Yes	Senators Aguilar, Baker, Dw. Pedersen, Brown, Smith
1	No	Senator Stuthman
2	Present, not voting	Senator Foley, Hudkins
	Absent	

Proponents:

Senator Kermit Brashear
Rex Fisher
Percy Kirk
Randy Sandman

Brian D. Thompson
Brad Hedrick
Ron Sedlacek

Opponents:

Stephen M. Bruckner
Nancy Rudeen
William J. Fehrman

John K. Hansen
Orval D. Roller, Jr.
Jay Holmquist
Richard M. Duxbury

Neutral:

Gene Hand

Representing:

Introducer
Qwest
Cox Communications
Nebraska Telecommunications Association
Diller Telephone Co.
Consolidated Companies, Inc.
Alltel
Nebraska Chamber of Commerce

Representing:

Omaha Public Power District
Consumer – Self
Nebraska Power Association;
Nebraska Public Power District
Nebraska Farmers Union
Self
NE Rural Electric Association
NMPP Energy

Representing:

Public Service Commission

Summary of purpose and/or changes:

The bill prohibits political subdivisions from providing certain services regarding telecommunications, information and video.

Section 1 amends §25-2602.01 by striking a reference to sections 86-588 to 86-590.

Section 2 amends §75-156 by allowing the Public Service Commission to assess a civil penalty of up to ten thousand dollars per day against any political subdivision of the state for each violation of section 3 or any rule, regulation, or order of the commission issued pursuant to section 3.

Section 3, subsection (1) defines advanced telecommunications services, information services, telecommunications services and video services.

Subsection (2) states that except as provided, an agency or political subdivision of the state shall not provide on a retail, wholesale or any other basis any advanced telecommunications services, telecommunications services, information services, or video services, be issued a certificate of convenience and necessity as a telecommunications common carrier, or be issued a permit as a telecommunications contract carrier.

Subsection (3) allows the Public Service Commission to administratively fine any agency or political subdivision that violates this section.

Subsection (4) provides that the Public Service Commission shall determine the standards and procedures reasonably necessary and adopt and promulgate rules and regulations to implement this section.

Section 4 amends §86-575 by striking language that prohibited an agency or political subdivision from providing telecommunications service except as provided. The definition of telecommunication services is defined.

Section 5 contains the repealer clause.

Section 6 outright repeals sections 86-581 to 86-592.

Explanation of amendments, if any:

Committee amendment: The committee amendment inserts a reference to subsection (1) of section 70-625 on page 7, line 4 of the bill. This ensures that public power districts own, use, operate, contract to operate or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services.

Senator Tom Baker, Chairperson